

AMENDMENTS TO LB 862

Introduced by Agriculture.

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. Section 2-958.01, Revised Statutes Cumulative
4 Supplement, 2006, is amended to read:

5 2-958.01 The Noxious Weed and Invasive Plant Species
6 Assistance Fund is created. The fund may be used to carry out
7 the purposes of section 2-958.02. The State Treasurer shall credit
8 to the fund ~~any money~~ any funds transferred pursuant to section
9 54-857, funds appropriated to the fund by the Legislature, and ~~any~~
10 ~~money~~ funds received as gifts or grants or other private or public
11 funds obtained for the purposes set forth in section 2-958.02. Any
12 money in the fund available for investment shall be invested by the
13 state investment officer pursuant to the Nebraska Capital Expansion
14 Act and the Nebraska State Funds Investment Act.

15 Sec. 2. Section 54-856, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 54-856 (1) There shall be paid to the director an
18 inspection fee of ten cents per ton on all commercial feed
19 distributed in the State of Nebraska during ~~the~~ each six-month
20 period ~~following~~ beginning January 1, 1987, through December 31,
21 2007. Beginning for commercial feed distributed in the State of
22 Nebraska for the six-month period beginning January 1, 2008, there
23 shall be paid to the director an inspection fee of nine cents per

1 ton. The ~~After the first six months of operation,~~ the fee may
2 be raised or lowered by the director after a public hearing is
3 held outlining the reason for any proposed change in the rate.
4 The maximum rate fixed by the director shall not exceed fifteen
5 cents per ton. The inspection fee shall be paid on commercial
6 feed distributed by the person whose name appears on the label as
7 the manufacturer, guarantor, or distributor, except that a person
8 other than the manufacturer, guarantor, or distributor may assume
9 liability for the inspection fee, subject to the following:

10 (a) No fee shall be paid on a commercial feed if the
11 payment has been made by a previous distributor;

12 (b) No fee shall be paid on customer-formula feed if the
13 inspection fee is paid on the commercial feed which is used as
14 ingredients therein;

15 (c) No fee shall be paid on commercial feed used as
16 ingredients for the manufacture of other commercial feed. If the
17 fee has already been paid, credit shall be given for such payment;

18 (d) In the case of a commercial feed which is distributed
19 in the state only in packages of ten pounds or less, an annual fee
20 fixed by the director, not to exceed twenty-five dollars, shall be
21 paid in lieu of the inspection fee. The annual fee shall be paid
22 not later than the last day of January each year; and

23 (e) The minimum inspection fee shall be five dollars for
24 any six-month reporting period.

25 (2) If the director determines that it is necessary to
26 adjust the rate of the inspection fee being paid to the department,
27 all persons holding a valid license issued pursuant to section

1 54-850 shall be so notified and shall be given an opportunity to
2 offer comment at a public hearing which shall be required prior to
3 any inspection fee rate change.

4 (3) Each person who is liable for the payment of such fee
5 shall:

6 (a) File, not later than January 31 and July 31 of each
7 year, a semiannual statement setting forth the number of tons of
8 commercial feed distributed in this state during the preceding
9 six-month period, which statement shall cover the periods from
10 July 1 to December 31 and January 1 to June 30, and upon filing
11 such statement, pay the inspection fee at the rate specified by
12 this section. Any person who holds a valid license issued pursuant
13 to section 54-850 and whose name appears on the label as the
14 manufacturer, guarantor, or distributor shall file such statement
15 regardless of whether any inspection fee is due. Inspection fees
16 which are due and owing and have not been remitted to the director
17 within fifteen days following the date due shall have a penalty
18 of twenty-five percent of the fees due added to the amount due
19 when payment is made, and an additional penalty of twenty-five
20 percent of the fees due shall be added if such fees are not paid
21 within thirty days of the due date. The assessment of this penalty
22 fee shall not prevent the director from taking other actions as
23 provided in the Commercial Feed Act; and

24 (b) Keep such records as may be necessary or required by
25 the director to indicate accurately the tonnage of commercial feed
26 distributed in this state. The director shall have the right to
27 examine such records to verify statements of tonnage. Failure to

1 make an accurate statement, to pay the inspection fee, or to comply
2 as provided in this section shall constitute sufficient cause for
3 the cancellation of all licenses on file.

4 Sec. 3. Section 54-857, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 54-857 All money received pursuant to the Commercial Feed
7 Act shall be remitted by the director to the State Treasurer for
8 credit to the Commercial Feed Administration Cash Fund which is
9 hereby created. Such fund shall be used by the department to aid
10 in defraying the expenses of administering the act. Any money in
11 the fund available for investment shall be invested by the state
12 investment officer pursuant to the Nebraska Capital Expansion Act
13 and the Nebraska State Funds Investment Act.

14 On or before October 1, 2008, the State Treasurer shall
15 transfer two hundred fifty thousand dollars from the Commercial
16 Feed Administrative Cash Fund to the Noxious Weed and Invasive
17 Plant Species Assistance Fund.

18 Sec. 4. Section 81-201.05, Revised Statutes Cumulative
19 Supplement, 2006, is amended to read:

20 81-201.05 (1) The Weed Book Cash Fund is created. Any
21 money in the Weed and Insect Books Cash Fund on July 16, 2004,
22 shall be transferred to the Weed Book Cash Fund. Upon such
23 transfer, the following amounts shall be transferred from the Weed
24 Book Cash Fund: (a) Twenty-five thousand dollars to the Noxious
25 Weed Cash Fund; and (b) thirty-seven thousand eight hundred dollars
26 to the Plant Protection and Plant Pest Cash Fund. On July 1, 2005,
27 July 1, 2006, July 1, 2007, July 1, 2008, ~~and~~ July 1, 2009, July

1 1, 2010, and July 1, 2011, if there are sufficient funds available,
2 twenty-five thousand dollars shall be transferred from the Weed
3 Book Cash Fund to the Noxious Weed Cash Fund. Any money in the Weed
4 Book Cash Fund available for investment shall be invested by the
5 state investment officer pursuant to the Nebraska Capital Expansion
6 Act and the Nebraska State Funds Investment Act.

7 (2) The sale price of each Weeds of the Great Plains book
8 sold by the Department of Agriculture shall be credited as follows:

9 (a) Seventy-five percent to the Weed Book Cash Fund
10 to aid in defraying the cost of publishing, preparing, and
11 distributing such books and any supplemental inserts to such
12 books; and

13 (b) Twenty-five percent to the Noxious Weed Cash Fund.

14 Sec. 5. Original sections 54-856 and 54-857, Reissue
15 Revised Statutes of Nebraska, and sections 2-958.01 and 81-201.05,
16 Revised Statutes Cumulative Supplement, 2006, are repealed.

17 Sec. 6. Since an emergency exists, this act takes effect
18 when passed and approved according to law.